

REMARKS

Applicants respectfully request the Examiner to reconsider the merits of the objections and rejections in view of the foregoing amendment and the following remarks.

Upon entry of the foregoing amendment, claims 287, 290-296, and 299-303 are pending in the application.

Claims 288, 289, 297 and 298 are cancelled.

Applicants respectfully request entry of the above amendment and submit that the above amendment does not constitute new matter.

Claim Rejections under 35 USC §102

Claims 287, 291, 294, 296, 298, 299 and 302 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mauclair et al. (US 5,268,371). The Examiner states the following:

Mauclair et al. discloses non-metallic porphyrin comprising a reactive group directly or indirectly attached to any one of the four non-pyrrole positions. (Col. 3).

Col. 12 example 5 shows a reactive group attached to the non-metallic porphyrin through a linker.

Col. 9 lines 28-34 shows that a target can be attached. Said target can be selected from antibodies. Col. 8 lines 64-68 shows that antigens can also be used.

Claims 289, 290, 292, 293, 295, 300, 301, 303 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Jannis Stavrianopoulos et al.

Serial No.: 10/763,088

Filed: January 22, 2004

Page 7 Amendment and Reply To October 26, 2007 Office Action – October 30, 2007

Applicants believe that the amendments made to the claims address the Examiner's anticipation rejections, and now place the claims in condition for allowance. At the Examiner's suggestion, the claims have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, antibodies and antigens have been deleted from the pertinent claims.

Jannis Stavrianopoulos et al.

Serial No.: 10/763,088

Filed: January 22, 2004

Page 8 Amendment and Reply To October 26, 2007 Office Action – October 30, 2007

SUMMARY

Applicants have amended the claims to address the aforementioned anticipation rejection. Therefore, the claims are in proper condition for further examination. In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejections of record and further examination of the amended claims. These claim amendments have not resulted in the addition of new matter. Early and favorable action is respectfully requested.

No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due, however, the United States Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that she be contacted at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Natalie Bogdanos". The signature is fluid and cursive, with the first name "Natalie" written in a larger, more prominent script than the last name "Bogdanos".

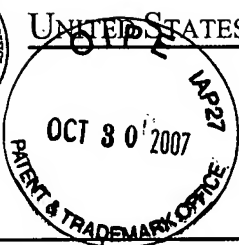
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al/USProsecution/Enz-61(D5).amendmentandreply.10.30.07



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,088	01/22/2004	Jannis G. Stavrianopoulos	Enz-61(D5)	6065

28171 7590 10/26/2007
ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022

EXAMINER

RILEY, JEZIA

ART UNIT	PAPER NUMBER
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1637

MAIL DATE	DELIVERY MODE
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10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Office Action Summary

Application No.

10/763,088

Applicant(s)

STAVRIANOPOULOS ET AL.

Examiner

Jezia Riley

Art Unit

1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/8/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 287, 289-296 and 298-303 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 287, 291, 294, 296, 298, 299 and 302 is/are rejected.
- 7) ☒ Claim(s) 289, 290, 292, 293, 295, 300, 301 and 303 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Remarks

Applicants' arguments, filed on 8/8/07, have been approved and entered. They have been fully considered. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either newly applied or reiterated. They constitute the complete set presently being applied to the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 287,291, 294, 296, 298, 299 and 302 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauclair et al. (US 5,268,371).

Mauclair et al. discloses non-metallic porphyrin comprising a reactive group directly or indirectly attached to any one of the four non-pyrrole positions. (Col. 3).

Col. 12 example 5 shows a reactive group attached to the non-metallic porphyrin through a linker.

Col. 9 lines 28-34 shows that a target can be attached. Said target can be selected from antibodies. Col.8 lines 64-68 shows that antigens can also be used.

Claims 289, 290, 292, 293, 295, 300, 301, 303 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jezia Riley whose telephone number is 571-272-0786.

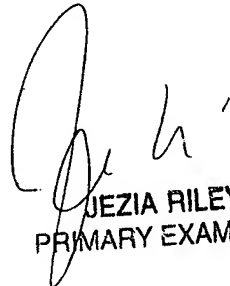
The examiner can normally be reached on 9:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

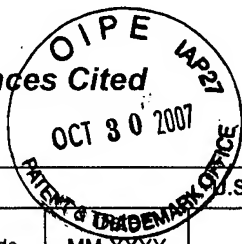
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/23/2007


JEZIA RILEY
PRIMARY EXAMINER

Notice of References Cited



Application/Control No.

10/763,088

Applicant(s)/Patent Under
Reexamination
STAVRIANOPOULOS ET AL.

Examiner

Jezia Riley

Art Unit

1637

Page 1 of 1

U.S. PATENT DOCUMENTS

* *		Document Number Country Code-Number-Kind Code	MM-YYYY	Name	Classification
*	A	US-5,268,371	12-1993	Mauclair et al.	514/185
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

* *		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

* *		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.